

Ms. Donna Searcy
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16. Question: What is the definition of "satellite channels" as that term is used for benchmark table calculations?

Answer: A satellite channel is any cable program service or "superstation" delivered on a communications satellite that is not a premium service (pay-channel or pay-per-view channel). If a cable system picks up a satellite channel via a microwave or fiber optic feed, the channel remains a satellite channel if it is available by satellite unless it could be picked up directly over-the-air in the cable community.

17. Question: What is a "superstation" that need not be carried on the basic tier?

Answer: Any non-local broadcast signal secondarily transmitted by satellite need not be carried on the basic tier, including "superstations" that meet this description. In applying this rule, the Commission will look to the manner in which the signal is transmitted, and not how it is received. Thus, a signal initially transmitted by satellite, but received via microwave, need not be carried on the basic tier. (Emphasis added.)

If a satellite superstation can be counted as a satellite channel for benchmark purposes and be eligible for the superstation exemption to basic tier carriage, even though received by means other than satellite, it seems obvious that the same common sense approach should be used in applying the superstation retransmission consent exception. As the Commission aptly noted above, the proper consideration is how a "signal is transmitted, and not how it is received." Therefore, Newhouse again urges the Commission to favorably consider its reconsideration petition.

Please contact the undersigned if there are any questions.

Respectfully submitted,

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